

EXHIBIT A

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

MICHAEL POWELL,)	
)	CASE NO: LACV187222
Plaintiff,)	
)	
v.)	DEFENDANTS' NOTICE OF REMOVAL
)	
UNITED RENTALS, INC., JAMES)	
MOTT, Individually, and DAVID)	
DEVORAK, Individually,)	
)	
Defendants.)	

TO THE HONORABLE JUDGE AND CLERK OF SAID COURT, AND TO PLAINTIFF:

Defendants United Rentals, Inc., James Mott and David Dvorak (collectively "Defendants") hereby give notice that on August 6, 2019, a Notice of Removal of the above-described action was filed by Defendants in the United States District Court for the Northern District of Iowa, Western Division. A true and correct copy of this Notice of Removal is attached hereto.

Respectfully submitted,

/s/ John C. Gray

John C. Gray, AT0002938

HEIDMAN LAW FIRM, P.L.L.C.

1128 Historic 4th Street

P.O. Box 3086

Sioux City, IA 51102

Phone: (712) 255-8838

Fax: (712) 258-6714

E-Mail: John.Gray@heidmanlaw.com

**ATTORNEYS FOR DEFENDANTS UNITED
RENTALS, INC., JAMES MOTT AND DAVID
DVORAK**

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of this document was forwarded to the following Plaintiff on this 6th day of August, 2019, via U.S. Certified Mail, return receipt requested and U.S. Mail:

Michael Powell
P.O. Box 162
Kingsley, Iowa 51028

/s/ John C. Gray
John C. Gray

EXHIBIT B

IN THE IOWA DISTRICT COURT IN AND FOR WOODBURY COUNTY

MICHAEL POWELL,

Plaintiff,

v.

UNITED RENTALS INC, ;JAMES MOTT,
Individually; and DAVE DEVORAK,
Individually,

Defendants.

CIVIL NO.

LACV 187222

19 JUL -8 AM 10:01

CLERK OF DISTRICT COURT

BY

PETITION AT LAW
AND
JURY DEMAND

COMES NOW Plaintiff Michael Powell and hereby sets forth the following causes of action against Defendants United Rentals Inc., James Mott, Individually; and Dave Devorak, Individually:

1. Plaintiff Michael Powell (hereinafter Powell) is and was at all times material hereto a citizen of the United States, a resident of Woodbury County, Iowa and over twenty-one (21) years of age.

2. Defendant United Rentals, Inc. is, and was at all times material hereto, doing business in the State of Iowa and doing business in Woodbury County, Iowa.

3. Defendant James Mott is, and was at all times material hereto, believed to be a resident of Woodbury County, Iowa, and Human Resources Director at United Rentals, Inc., who aided and abetted in the discrimination described below.

4. Defendant Dave Devorak is, and was at all times material hereto, believed to be a resident of Woodbury County, Iowa, and General Manager at United Rentals, Inc. who aided and abetted in the discrimination described below.

5. This action is based on the provisions of the Iowa Civil Rights Act, Iowa Code Chapter 216. Also, this action is based upon the provisions of the Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. Section 12101, *et seq.*, and all amendments thereto.

6. Plaintiff's disabilities include PTSD.

7. Venue is proper because this action is brought in the county in which a substantial part of the events or omissions giving rise to the claims occurred.

8. Powell has timely filed a Complaint of Discrimination with the Iowa Civil Rights Commission and the Equal Employment Opportunity Commission (hereinafter EEOC). (Exhibit "A" hereto).

9. Powell was issued a Notice of Right to Sue by the Equal Employment Opportunity Commission. (Exhibit "B" hereto).

10. The Complaint in this matter is filed with this Court within ninety (90) days from the receipt of the Notice of the Right to Sue. (Exhibit "B").

GENERAL ALLEGATIONS

11. At all times material hereto, Defendant met the definition of "Employer" under Iowa law or was working under the direction of said "Employer" or was representing the interest of said "Employer" and that Powell was at all times herein set forth an "Employee" within the definition of said section.

12. In June, 2017, Powell was hired by Defendants as a field service tech (mechanic). His duties included maintenance and repair of a variety of rental equipment, tools and vehicles..

13. Powell was placed on unpaid general leave of absence on May 25, 2018..

14. Beginning in March 2018 Powell asked permission to bring a service dog to accompany him in his truck. Powell was initially informed that it would not be a problem;

however, on April 6, 2018 the day he was to receive his dog, he was called into the office with Steve Steffen, Service Manager, James Mott, Human Resources Director, and David Devorak. General Manager and was informed that more information was needed including documentation from a health care provider that he needed a service dog.. Powell was subjected to discrimination due to the Defendants' refusal to allow him to have his service dog with him.

VIOLATION OF THE IOWA CIVIL RIGHTS ACT AND ADA

15. Plaintiff repleads paragraphs 1-14 as if fully set forth herein.

16. The V.A. has found that Powell has a 90% disability rating with 50% of that being due to PTSD. At all times material hereto, Defendants failed to accommodate Powell's disability by refusing to grant his request to allow a service dog.

17. Defendants' actions, including terminating Plaintiff's employment because of his physical disabilities constituted illegal discrimination against a qualified individual with a disability, and therefore, violated Iowa Code Chapter 216 and the ADA.

18. At all times material to this suit, Plaintiff had a Disability rating from the V.A. because of his back issues and PTSD, and Defendants' actions in refusing to accommodate Powell's physical impairment constituted illegal discrimination in violation of Iowa Code Chapter 216 and the ADA.

19. At all times material to this suit, Defendants regarded Plaintiff as having a physical impairment because of his back issues and PTSD, and Defendant's actions in failing to allow Plaintiff to have the assistance of a service dog constituted illegal discrimination in violation of Iowa Code Chapter 216 and the ADA.

20. Defendants failed to accommodate Plaintiff's disability in violation of Iowa Code Chapter 216 and the ADA.

21. Powell requested he be allowed to have a service dog and was subsequently terminated due to his request.

22. The conduct of Defendants was an outrageous and unwelcome and unsolicited act of discrimination..

23. At all times material hereto, Defendants knew or should have known of the illegal conduct because of Powell's request.

24. At all times material hereto, Defendants knew or should have known of the hostile and pervasive atmosphere of discrimination.

25. Defendants failed to take prompt and appropriate remedial action to stop the illegal conduct.

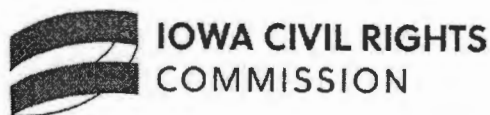
26. As a proximate result of the conduct and actions described above, Powell was damaged.

27. The conduct and actions described above were intentional or in reckless disregard of the rights of the Powell herein, entitling Powell to an award of punitive damages to punish Defendants.

28. Defendants' violation of Plaintiff's rights under the Iowa Civil Rights Act and ADA was intentional or in reckless disregard of his rights.

WHEREFORE, Plaintiff prays that the Court enter judgment against the Defendants, declaring the conduct engaged in by Defendants to be in violation of the Plaintiff's rights and award damages as follows:

- a. Plaintiff be awarded damages to compensate, reimburse and make whole the Plaintiff for all the past and present benefits Plaintiff should have received had it not been for Defendants' illegal conduct including but not limited to back pay with interest, front pay, benefits, training, promotions and seniority;
- b. Plaintiff be awarded compensation for past and future suffering, emotional distress, loss of enjoyment of life and other non-pecuniary losses;



STATE OF IOWA

KIM REYNOLDS, GOVERNOR
ADAM GREGG, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION
KRISTIN H. JOHNSON, EXECUTIVE DIRECTOR

11/15/2018

MICHAEL POWELL,
P.O. BOX 162
KINGSLEY, IA 51028

RE: CP# 06-18-72192, EEOC# 26A-2018-00662C
MICHAEL POWELL v. UNITED RENTALS INC.

MICHAEL POWELL:

Your complaint has been administratively closed. The Iowa Civil Rights Commission (ICRC) will take no further action on this case. Enclosed is a copy of the Preliminary Screening Review. Determinations at this stage are based primarily on paper filings and documentation provided to the Iowa Civil Rights Commission (ICRC).

At this time, you have the following legal options:

1. You may request the ICRC reconsider this determination and reopen your complaint. Your request must be in writing and made within thirty (30) days from the date of this letter. Your request should state why reopening should be granted. Any new information or documents supporting your allegations of discrimination should be submitted along with your request for reconsideration and reopening. The ICRC will send a copy of your request to the Respondent, who will then be given an opportunity to submit a response. In your written request for reconsideration, please state the CP# and EEOC#.

Your request can be delivered to the ICRC office within 30 days from the date of this letter by one of the following methods:

- a. Mail – postmarked no later than the 30th day, see address at bottom.
- b. FAX – received by the ICRC no later than 4:30 pm on the 30th day, see FAX number at bottom.
- c. Hand-delivered – received by the ICRC no later than 4:30 pm on the 30th day, see address at bottom.
- d. Email - received by the ICRC no later than 4:30 pm on the 30th day, see email address at bottom.

Note: If the 30th day falls on a weekend or a federal or state holiday, the 30-day period is extended to the ICRC's next regular business day.

2. You may request a letter granting you the right to sue in State District Court. Please read the enclosed Information Sheet regarding Right-to-Sue letters. We suggest consulting an attorney before you choose this option. You may wish to contact the Iowa Bar Association's Lawyer Referral Service at 1-800-532-1108. Both parties have the right to request a copy of the ICRC's case file after the Right-to-Sue letter has been issued. Please be aware there is a charge for the copying.

Note: In your written request for a Right-to-Sue letter, please state the CP# and EEOC#.

If you have any questions, please contact our office.

Sincerely,
Iowa Civil Rights Commission

Enclosures: Preliminary Screening Review and RTS Information Sheet

CC: File

Please help us improve our complaint process by completing a short evaluation at
<https://icrc.iowa.gov/file-complaint/complaint-process-evaluation>.

Iowa Civil Rights Commission, Grimes State Office Building, 400 E. 14th St., Des Moines, Iowa 50319-0201
515-281-4121 / 1-800-457-4416 / Fax 515-242-5840 / icrc@iowa.gov

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IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

MICHAEL POWELL.

Plaintiffs.

 γ

UNITED RENTALS, INC., JAMES MOTT
Individually; and **DAVID DEVORAK,**
Individually,

Defendants.

)
) LACV187222
) ORIGINAL NOTICE

TO THE ABOVE NAMED DEFENDANTS:

NOTICE: THIS CASE HAS BEEN FILED IN WOODBURY COUNTY, IOWA, AN ELECTRONIC FILING COUNTY. SEE CHAPTER 16, IOWA COURT RULES AND PARTICULARLY CHAPTER 16, DIVISION 6 CONCERNING PROTECTION OF PERSONAL INFORMATION.

You are hereby notified that there is now on file in the office of the Clerk of the above Court a petition in the above-entitled action, a copy of which petition is attached hereto.

The Plaintiff brings this action *pro se*.

You are further notified that unless, within twenty (20) days after service of this original notice upon you, you serve, and within a reasonable time thereafter file a motion or answer, in the Iowa District Court for Woodbury County, at the courthouse in Sioux City, Iowa, judgment by default will be rendered against you for the relief demanded in the petition.

(SEAL)

Amy Berntson
CLERK OF THE ABOVE COURT
Woodbury County Courthouse
Sioux City, Iowa 51101

NOTE: The attorney who is expected to represent the Defendant should be promptly advised by Defendant of the service of this notice.

ORIGINAL NOTICE FOR PERSONAL SERVICE

STATE OF IOWA JUDICIARY

Case No. LACV187222

County Woodbury

Case Title POWELL, MICHAEL VS UNITED RENTALS INC, MOTT, JAMES ET AL

THIS CASE HAS BEEN FILED IN A COUNTY THAT USES ELECTRONIC FILING.
Therefore, unless the attached Petition and Original Notice contains a hearing date for your appearance, or unless you obtain an exemption from the court, you must file your Appearance and Answer electronically.

You must register through the Iowa Judicial Branch website at <http://www.iowacourts.state.ia.us/Efile> and obtain a log in and password for the purposes of filing and viewing documents on your case and of receiving service and notices from the court.

FOR GENERAL RULES AND INFORMATION ON ELECTRONIC FILING, REFER TO THE IOWA COURT RULES CHAPTER 16 PERTAINING TO THE USE OF THE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM:
<http://www.iowacourts.state.ia.us/Efile>

FOR COURT RULES ON PROTECTION OF PERSONAL PRIVACY IN COURT FILINGS, REFER TO DIVISION VI OF IOWA COURT RULES CHAPTER 16: <http://www.iowacourts.state.ia.us/Efile>

Scheduled Hearing:

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at (712) 279-6035 . (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.)

Date Issued 07/12/2019 02:36:19 PM



District Clerk of Woodbury

County

/s/ K Halbur

EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

MICHAEL POWELL,

Plaintiff,

v.

UNITED RENTALS, INC., JAMES MOTT
Individually, and DAVID DEVORAK,
Individually,

Defendants.

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CIVIL ACTION NO. _____

LIST OF MOTIONS PENDING IN THE IOWA DISTRICT COURT

There are no motions pending in *Michael Powell v. United Rentals, Inc., James Mott, Individually, and David Devorak, Individually*, Cause No. LACV187222 filed in the Iowa District Court for Woodbury County that will require resolution by this Court.

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

MICHAEL POWELL,

Plaintiff,

v.

UNITED RENTALS, INC., JAMES MOTT
Individually, and DAVID DEVORAK,
Individually,

Defendants.

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CIVIL ACTION NO. _____

NAMES OF COUNSEL AND LAW FIRMS

1. Plaintiff Michael Powell is *pro se*, and his address is listed below.

Michael Powell
P.O. Box 162
Kingsley, Iowa 51028

Plaintiff Michael Powell did not provide a telephone number, facsimile number or email address in his Petition at Law and Jury Demand filed as *Michael Powell v. United Rentals, Inc., James Mott, Individually, and David Devorak, Individually*, Cause No. LACV187222 filed in the Iowa District Court for Woodbury County ("State Court Case").

2. Concurrent with the filing of this Notice of Removal, a Notice of Removal is being filed in the State Court Case, with the following attorney making an appearance on behalf of Defendants United Rentals, Inc., James Mott and David Dvorak:

John C. Gray, AT0002938
HEIDMAN LAW FIRM, P.L.L.C.
1128 Historic 4th Street
P.O. Box 3086
Sioux City, IA 51102
Phone: (712) 255-8838
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